

REMARKS

Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

Claims 2-6 have been canceled in this paper. No claims have been amended in this paper. New claims 7-21 have been added in this paper. Therefore, claims 7-21 are pending and are under active consideration.

Claims 2-6 stand rejected (i) under 35 U.S.C. 112, first paragraph, "as failing to comply with the written description requirement;" (ii) under 35 U.S.C. 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;" and (iii) under 35 U.S.C. 103(a) "as being unpatentable over Faltynek (4,993,845) in view of Cooper (5,996,169)."

In response to the foregoing rejections, Applicants note that claims 2-6 have been canceled. Accordingly, the foregoing rejections are moot and should be withdrawn.

New claim 7, from which claims 8-18 depend, is patentable over the references of record for at least the reason that the references of record, taken individually or in combination, do not teach or suggest a snack food assembly that comprises (a) a snack food bag; (b) a snack food disposed within said snack food bag, said snack food comprising an oily food selected from the group consisting of chips and nuts; (c) a moistened towelette; and (d) an airtight sealed enclosure coupled to said snack food bag, said moistened towelette being disposed within said airtight sealed enclosure.

For example, with respect to the applied references of record, none of Pickard et al., Cooper, Faltynek and Ebine teaches or suggests, among other things, a snack food bag comprising chips or nuts. In fact, Cooper and Ebine, which relate to beverage cans, do not even disclose a bag of any

type, let alone a snack food bag. Faltynek, while relating to a bag, does not disclose an airtight sealed enclosure for receiving a moistened towelette; instead, the secondary compartment of Faltynek is open along its top edge (and is, therefore, unsuitable for maintaining a moistened towelette in a moistened state). Pickard et al., while disclosing pouches of bread, beverage powder and dessert, does not disclose chips, nuts and similar snack food items. The omission of such items from Pickard et al. is likely due to the fact that Pickard et al. is directed to a self-heating complete single serve meal and not to a snack item. It is also noted, with respect to new claims 10-16, that Pickard et al. does not teach or suggest (i) securing (e.g., by adhesive) an airtight sealed enclosure to a bag or (ii) positioning the airtight sealed enclosure within the bag.

New claim 19, from which claims 20-21 depend, is patentable over the references of record for at least the reason that the references of record, taken individually or in combination, do not teach or suggest a snack food assembly that comprises (a) a snack food bag, said snack food bag comprising a plurality of packaging layers defining first and second sealed compartments; (b) a snack food disposed within said first sealed compartment of said snack food bag; and (c) a moistened towelette, said moistened towelette being disposed within said second sealed compartment.

As noted above, Cooper and Ebine do not even relate to a bag, let alone a bag of the type claimed. Pickard et al., while disclosing pouches, does not teach or suggest a bag of the type claimed. Faltynek, while disclosing a bag, does not disclose first and second sealed compartments or a moistened towelette disposed in said second sealed compartment.

In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 25, 2003



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Dated: August 25, 2003

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